

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: August 12, 2015

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Appeal of Administrative Fines Issued for the Operation of a Business (“Junk General”) that is Not Allowed in the Applicable Zoning District at 2397 Spring Street, North Fair Oaks.

County File Number: VIO 2007-00078

APPEAL

The owner of 2397 Spring Street has appealed the Notice of Determination of Fines issued by the Community Development Director in response to a violation for operating a junkyard and transfer station in the M-1 Zoning District (Light Industrial), including storage and sorting of junk, debris, and other materials (Attachment A). The existing business operation (“Junk General”) is not allowed in the M-1 Zoning District. Large storage boxes related to Junk General operations have also been observed encroaching in the public right-of-way without permits. The appeal, included as Attachment B to this report, asserts that there is no transfer station on-site.

RECOMMENDATION

Uphold the administrative fine of \$37,785, issued by the Community Development Director on February 4, 2013 (Attachment A), with conditions herein:

1. Within 30 days of the Planning Commission decision, the applicant shall submit a written strategy describing how existing violations will be remediated on-site and in the public right-of-way to the satisfaction of the Community Development Director and the Director of the Department of Public Works, respectively.
2. If Condition A is not met, that the Planning Commission invoke County Ordinance Section 1.12.020, in which the County may abate the nuisance and demand that the owner and/or possessor pay the cost of abatement.
3. If Condition B is not met, with regard to owner remittance for cost of abatement, the applicant shall be referred to the San Mateo County Revenue Services Department to recoup the assessed administrative fine and the cost of abatement.

BACKGROUND

Report Prepared By: James Hinkamp, Planner II/Ombudsman, 650/599-1560

Appellant: Omar Valencia

Owner: Lourdes Valencia Location: 2397 Spring Street

APN: 054-081-070

Size: 6,379 sq. ft.

Existing Zoning: M-1

General Plan Designation: Industrial Mixed Use Urban

Sphere-of-Influence: Redwood City

Existing Land Use: Light Industrial

Water Supply: Redwood City Municipal Water Department

Sewage Disposal: Fair Oaks Sewer District

Flood Zone: Zone X, Areas of Minimal Flooding

Environmental Evaluation: N/A

Setting: The subject site is on the corner of Spring Street and Kaynyne Street in North Fair Oaks. A junkyard and transfer station business, operating under the fictitious title “Junk General,” occupies the rear parking area on-site. The rear parking area is reserved for off-street customer parking for a separate, legal business, called “Brenda’s Liquor,” which is located at the front of the subject property. The Junk General junkyard and transfer station are not allowed in its current location under existing zoning regulations. Furthermore, large storage boxes related to Junk General operations have been observed encroaching in the public right-of-way without permits. Surrounding land uses include light industrial and residential.

Chronology:

<u>Date</u>	<u>Action</u>
April 6, 2007	- Initial inspection
May 4, 2007	- First Notice of Code Violation

- February 13, 2008 - Second Notice of Code Violation (hand delivered)
- February 28, 2008 - Notice Regarding Non-Permitted Encroachments in the Public Right-of-Way
- March 12, 2008 - Property Inspection
- March 22, 2008 - Sheriff issues Verification of Service (hand delivered Notice of Code Violation)
- April 23, 2008 - Sheriff issues Notice to Appear
- December 30, 2008 - Code Compliance Letter stating Continued Violations
- December 15, 2009 - Notice of Administrative Fines
- June 25, 2010 - Notice of Preliminary Determination of Serious Violation
- July 28, 2010 - Notice of Preliminary Determination of Serious Violation (hand delivered)
- September 26, 2010 - Sheriff issues Verification of Service (hand delivered Notice of Code Violation)
- February 4, 2013 - Notice of Determination of Fines
- April 4, 2013 - Appeal submitted

DISCUSSION

A. **KEY ISSUES**

1. **General Plan and Zoning Regulations**

The County General Plan designates the subject property as Industrial Mixed Use Urban. This land use designation allows for a mix of secondary commercial, public, and institutional uses with the objective of preserving and promoting job-generating uses as well as activating underutilized industrial buildings for commercial activities. The subject property is also zoned M-1 (Light Industrial Zoning District). The assigned zoning regulates permissible activities on the subject property. The property owner, Ms. Lourdes Valencia, and business operator on the site, Mr. Omar Valencia, operate Junk General in violation of four County ordinances pertaining to the site, including Zoning Regulations Sections 6102.50; 6119; 6271; and County Ordinance Section 1.12.010.

Staff has determined that a junk yard exists on the subject property, as described in Section 6102.50. This Section defines a “junk yard” as occurring on a site on which more than two hundred (200) square feet of the area thereof is used for the storage of junk, including scrap metal or other scrap material.

Section 6119 governs parking requirements, including the requirement that adequate on-site customer parking must be provided for commercial uses (i.e., Brenda’s Liquor). In this case, adequate on-site parking is unavailable due to the presence of Junk General on the portion of the site where such parking would normally exist.

Section 6271 specifically allows 167 distinct uses in the M-1 Zoning District; an additional 10 allowable uses are subject to a use permit. The types of land uses allowed within this district do not include storage or transfer of junk, debris, or other materials. None of the activities observed on-site or described in online Junk General collateral (Attachment C) are allowed in this district.

Section 1.12.010 regulates nuisance abatement. As defined in this section, a nuisance may exist in five (5) general forms:

- a. Injurious to health
- b. Indecent or offensive to the senses
- c. Obstructs free use of property that interferes with the enjoyment of life or property
- d. Obstructs customary free use or passage of any navigable waterway, public park, square, street, or highway
- e. Is declared by Section 1.12.010 or state law to be a nuisance

Within the aforementioned nuisance categories, County staff has determined nuisances exist on the subject property as well as the public right-of-way as they relate to the accumulation of debris, garbage, refuse, or machine or equipment parts and the obstruction with the ordinary use of public streets.

2. Code Compliance Activities

On April 6, 2007, Code Compliance staff performed an inspection at the subject property, to follow up on a prior violation associated with the site (VIO 2005-00085). Per VIO 2005-00085, an auto shop had operated on the site without permits. During this follow up inspection, the auto repair shop was observed as having been removed. However, a new business was

observed in place of the former auto repair shop and was also operating in the area normally reserved for Brenda's Liquor customer parking.

On May 4, 2007, Code Compliance staff mailed a Notice of Code Violation to the property owner (Attachment D). The letter prescribed corrective action by June 11, 2007. The property owner did not provide a formal response to this notice. On February 13, 2008, a second Notice of Code Violation was sent to the property owner and the business owner (Attachment E). This letter imposed a deadline of March 17, 2008, to correct the violation by ceasing the storage of junk, debris, and other materials; cleaning up the site; and restoring the area of operation to customer parking for Brenda's Liquor.

On March 12, 2008, Code Compliance staff inspected the property and it was determined that violations continued to exist on-site. Subsequently, on March 22, 2008, the County Sheriff's Office hand delivered the second Notice of Code Violation, as evidenced by the Verification of Service for that date (Attachment F). Since County staff did not receive a formal response to the second notice, either by mail or hand delivery, the Sheriff's Office proceeded to issue a Notice to Appear on April 23, 2008, which is included as Attachment G.

Between the time of the first and second Notices of Code Violation, Code Compliance staff also researched the validity of the Junk General business license. In the course of such research, it was determined that at least two (2) vehicles, utilized for Junk General hauling and other related business activity, were registered under an expired California Contractor's License. This fact was brought to the attention of the State Contractors' License Board (Attachment H); however, the State Board chose not to act further.

Furthermore, on February 28, 2008, between the first and second Notices of Code Violation, the County Department of Public Works issued a Notice Regarding Non-Permitted Encroachments in the Public Right-of-Way (Attachment I). This letter described illegal placement of debris boxes in the public right-of-way and the requirement that any objects placed in said right-of-way requires an encroachment permit from the Department of Public Works. County staff did not receive a formal response to this notice.

On December 30, 2008, the Community Development Director issued a joint letter, to the property owner and business owner, stating that zoning violations continued to exist on the subject property. The property owner was provided thirty (30) days to respond to this correspondence. Subsequently, no response was submitted to County staff (Attachment J).

The timeframe for resolving the violation, established by the May 4, 2007 and February 13, 2008 Notices of Code Violation, as well as the

December 30, 2008 letter, eventually expired. On December 15, 2009, the Community Development Director issued a Notice of Administrative Fines to the property owner and business owner (Attachment K). This notice advised that failure to respond in a timely manner (30 days) would result in an Administrative Fine being issued to the violating parties. County staff did not receive a timely response.

On June 25, 2010, the Community Development Director mailed a Notice of Preliminary Determination to the property owner (Attachment L). This notice is the first step required to pursue administrative fines in accordance with the procedures established by Chapter 31.5 of the Zoning Regulations (Attachment M)¹, and identified that failure to resolve or abate the violation would result in a fine of \$100 for the first day and \$25 for each additional calendar day that the violation continues to exist. The decision to pursue these fines was made after the Department's efforts to obtain voluntary compliance failed on numerous occasions, as described above. However, County staff did not receive a formal response from the property owner regarding the Notice of Preliminary Determination. Subsequently, County staff attempted to contact the property owner and business owner a second time by hand delivering the Notice of Preliminary Determination on July 28, 2010. As County staff still did not receive a response, the Sheriff's Office also hand delivered the Notice of Preliminary Determination, on September 26, 2010, as evidenced by the Verification of Service for that date (Attachment N). County staff did not field any responses to the aforementioned notice attempts.

Following issuance of the Notice of Preliminary Determination on February 4, 2013, the Planning and Building Department issued a Notice of Determination of Fines. That notice identified \$37,785 as the amount of the fine that had accrued since the first issuance of the Preliminary Determination of Violation (dated June 25, 2010).

In addition to the above actions, neighbors have submitted written complaints regarding the operation of the business. Copies of correspondence received from concerned neighbors are included as Attachment O.

3. Appeal Procedures

Since the subject Violation (VIO 2007-00078) was opened, the County repealed Chapter 31.5 of the Zoning Regulations. Section 6596.8 of that Chapter allowed the recipient of an administrative fine to appeal the fine to the Planning Commission within 30 days of their receipt of the Notice of Preliminary Determination. Mr. Valencia filed the appeal on April 4, 2013

¹ Chapter 31.5 was deleted and replaced by Ordinance 04648, adopted by the Board of Supervisors on January 8, 2013 and certified by the Coastal Commission on October 10, 2013.

(Attachment B), which technically exceeded the 30-day deadline. In summary, the appeal contends that, contrary to County staff observations, there is no transfer station or related operations on the property.

According to Section 6596.8, in reviewing the fine, the Planning Commission shall consider the factors set forth in Section 6596.6, which sets forth the method for calculating fines described in the Notice of Preliminary Determination (i.e., \$100 for the first day and \$25 each day thereafter during which the violation continues to exist), and “shall uphold the fine imposed by the Director, eliminate the fine, or modify the fine.” The decision made by the Planning Commission is not appealable.

4. Basis for Fines

The staff recommendation to uphold the fine of \$37,785 is based on the following factors:

Confirmed Violation: Although the appeal asserts that the property is not being used to operate a transfer station, there is adequate evidence that junk and other scrap material were stored and hauled to and from the subject property, which is indicative of sorting and transferring junk and/or waste products during the time that code compliance efforts occurred. This evidence includes the observations of staff from the Planning and Building Department, the Department of Public Works, and the Sheriff’s Office; letters of concern from neighbors; correspondence with Mr. Valencia, in which the operation of the business was acknowledged; the ongoing presence of business-related equipment (i.e., debris boxes) in the public right-of-way, as well as on-site; and internet collateral advertising the business (e.g., <http://new.junkgeneral.com/>). Thus, there is no reason to eliminate or adjust the fine based on the assertion that the site is not hosting illegal business operations.

Due Process: The Planning and Building Department has exhausted its ability to obtain voluntary compliance, and has followed the procedures specified by regulations in effect, at the time VIO 2007-00078 was initiated, to determine the amount of the fine. There is no reason to reduce or eliminate the fine based on an assertion that the recipient of the fine was not provided adequate notice that such a fine would be levied.

Public Health, Safety and Welfare: The existence of a business incompatible with underlying zoning regulations on the subject property, as well as contributing to public right-of-way obstructions, raises important issues regarding the health and safety of the people that visit the business, as well as the impact that the business may have on the surrounding community. When efforts to obtain voluntary compliance fail, the use of fines to enforce permitting and zoning requirements is a valid and essential method by which the County can address these issues.

Code Compliance Administration: In accordance with the County's desire to maximize the Department's ability to recover its costs of doing business, the issuance of administrative fines provides the Planning and Building Department with the ability to recover a portion of the cost of its code compliance activities. Any additional violations that may occur in relation to this case will be administrated under the current Administrative Remedies code.

Integrity of Permit Requirements: The ability to use administrative fines when necessary to enforce permitting and zoning requirements helps protect the integrity of the County's permitting system. Without such penalties, there is less incentive for compliance and an unfair playing field for property owners and tenants who abide by permit requirements.

5. Case Resolution

Closure of the open violation case requires the property owner and/or business owner to provide written and photographic evidence that Junk General ceases to exist at the subject property, and that all junk, debris, and other materials associated with the business have been removed from the site. If such evidence is provided prior to September 11, 2015, along with the payment of the outstanding fine, no additional fines will be pursued.

B. ALTERNATIVES

The alternatives available to the Planning Commission are as follows:

1. Uphold the fine and conditions imposed by the Community Development Director
2. Reduce the fine and/or conditions therein
3. Eliminate the fine and/or conditions therein

The Planning Commission could also continue the hearing and/or a decision on this matter to a later date.

C. ENVIRONMENTAL REVIEW

The enforcement of existing planning and zoning regulations does not constitute a project that requires environmental review under the California Environmental Quality Act.

D. REVIEWING AGENCIES

County Counsel

ATTACHMENTS

- A. Notice of Determination of Fines
- B. Appeal
- C. Junk General Collateral
- D. First Notice of Code Violation
- E. Second Notice of Code Violation
- F. First Verification of Service
- G. Notice to Appear
- H. Complaint to Contractors State License Board
- I. Notice Regarding Non-Permitted Encroachments in the Public Right-of-Way
- J. Letter to Property and Business Owners
- K. Notice of Administrative Fines
- L. Notice of Preliminary Determination of Violation
- M. Zoning Regulations Chapter 31.5
- N. Second Verification of Service
- O. Constituents' Correspondence
- P. Code Compliance Inspection Photos

JAH:jlh – JAHZ0510_WJU.DOCX



County of San Mateo - Planning and Building Department

ATTACHMENT A



County of San Mateo

Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122
plngbldg@smcgov.org
www.co.sanmateo.ca.us/planning

February 4, 2013

NOTICE OF DETERMINATION OF FINES

CERTIFIED MAIL

Ms. Lourdes Valencia
3531 Middlefield Road
Menlo Park, CA 94025

Dear Ms. Valencia:

On June 25, 2010, you were provided a Preliminary Determination of Violation, which informed you of a violation involving the illegal use of your property. The Preliminary Determination of Violation further informed you that failure to resolve or abate the violation would result in administrative fines at the rate of \$100.00 for the first day and \$25.00 for each additional calendar day that the violation continues to exist on your property, beginning on the date you received the Notice.

Since that time, you have failed to take action to resolve or abate the violation of continuing using the property to operate a Junk General Business in an M-1 Zoning District. Therefore, the amount of the administrative fine that has accrued as of February 1, 2013 is **\$37,875.00**. Payment of this fine is due within thirty (30) calendar days of your receipt of this Notice. In accordance with Section 6596.7 of the Zoning Regulations, this Notice serves to inform you that you have the right to appeal this determination to the Planning Commission within thirty (30) days of the date of this Notice.

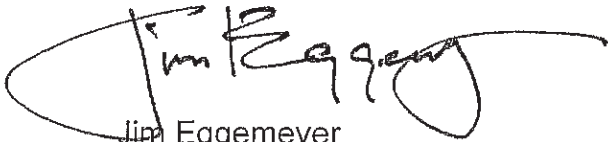
In absence of such an appeal, failure to pay these fines to the Planning and Building Department will result in referral of this matter to the San Mateo County Revenue Services Department for collections. Administrative fines will continue to accrue and be collected until the violation has been abated to the satisfaction of the Planning and Building Department.

02/04/13

Ms. Lourdes Valencia
February 4, 2013
Page 2

If you have any questions or concerns about this matter, you may contact Ana Santiago at 650/363-4825. She may be reached at this number, Monday through Friday, 8:00 a.m. through 4:00 p.m.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Eggemeyer". The signature is stylized with a large, sweeping initial "J" and a long, horizontal flourish extending to the right.

Jim Eggemeyer
Community Development Director

JE:AMS:fc -- AMSX0107_WFE.DOCX

cc: Steve Monowitz, Deputy Director
Eugene Whitlock, Deputy County Counsel
Ana Santiago, Senior Code Compliance Officer

02/04/13



County of San Mateo - Planning and Building Department

ATTACHMENT B

4/4/2013

Omar Valencia
DBA: JunkGeneral
2397 spring st
Redwood City Ca
94063

ATTN: Ana Santiago

I Omar Valencia (owner operators of junkgeneral) and Lourdes Valencia (property owner of 2397 spring st, Redwood City Ca. Would like to request a hearing. The fact is we are not running any sort of transfer station. We do not have anyone coming to drop off junk or garbage. We do keep our trucks and dumpsters on the property and store furniture and such for donation to local charities like Parca, St vincent de paul etc. We really are trying to do the right thing and we give away a lot of furniture and clothing to the local population. I understand that occasionally we do accumulate quite a bit of furniture and household items on the property and that is something we can resolve and comply with.

We do not store any type of food garbage or anything that would attract rodents. The yard is used for storage. We would love to be able to continue to run our operation as renting another yard or warehouse would be extremely costly. In these years after the recession it has tough to stay afloat. We are trying to recover from such a devastating business climate. I appreciate your time in this matter.

Sincerely

Omar Valencia

04/04/13



County of San Mateo - Planning and Building Department

ATTACHMENT C

JUNK ★ GENERAL

[Home](#)

[Book Now](#)

[Pricing](#)

[See Our Work](#)

[Services](#)

[About Us](#)

[F.A.Q](#)

[Contact Us](#)

[Home](#) › [F.A.Q](#)

Posted on [December 13, 2014](#) by [junkgeneral](#) — [No Comments](#) ↓

Frequently asked questions

Here is the answer to some of the most common questions we have been asked over the years.

What does your service cost?

Our prices can be seen on our [pricing page](#).

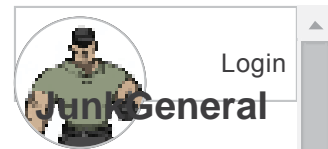
Pricing is by volume, you only pay for the amount of space your junk takes up in our truck. Our trucks are large, 20 cubic yards. You get a better bang for the buck than with our competitors who use 14.xx and 18.xx cubic yard trucks.

How far in advance do I have to book my hauling ?.

We offer same day service on most orders

What if I can't be

View our calendar.



SCHEDULE

ABOUT

Select Service

SELECT SERVICE

Full Service Hauling

Junk Removal, We Do All The Work
2h

Eco-Dumpster Rental

Next

home for my Junk Hauling appointment?

We understand it can be difficult to wait for the “junk guy”, “cable guy” or “whatever guy”. If the debris is on the driveway we can easily arrive, conquer, sweep up and call you for credit card payment over the phone.

What makes you “eco-friendly”?

When we set out to start JunkGeneral we wanted to back it up! JunkGeneral.com actually has a yard. We store metal, e-waste, cardboard, paper and salvageable items for collection from third party recycling services and non profits.

Our yard is located in the same neighborhood in which our founder grew up. We donate bicycles to the primarily financially disadvantaged children as well as furniture directly to those who cannot afford it. . Having our own yard enables us to divert more away from landfill. Our position as a local bay area business allows us to be flexible and react quickly to change in the recycling and junk hauling industry.

JunkGeneral facts.

- We have never purchased any office paper all our office paper has been “scrounged” from jobs.
- JunkGeneral was the first hauling company running on biodiesel even before Allied waste was running B20 on their trucks! Our trucks ran on 100% recycled biodiesel never before seen in any junk removal service in the bay area probably the united states.
- JunkGeneral never green washed to be trendy our business model REQUIRED us to recycle in order to fill the need for a hauling company that ACTUALLY recycled.

- We all live breathe JUNK. No kidding its our passion we enjoy salvaging, tinkering and finding different uses for “junk”.
- Most JunkGeneral guys rarely purchase furniture, or other items. We live off of junk.

Do you guys take JUNK CARS?

Yep we sure do.

Do your workers take tips? Is it appropriate?

Yes they do, its not required of course but we feel it would be disrespectful to our workers to prohibit them from receiving tips. If you would like to show your appreciation you can tip them in cash, or include it in the invoice.

Whats the difference between you and a debris box?

Chuckle, we arrive, estimate, load up your junk and get out of the way! With a dumpster you pay a flat rate regardless of how much of the dumpster you fill. With our full service you only pay for the amount of junk going in the truck.

We are a true full service junk removal and hauling solution. If you are a do it yourself type of individual or would rather get rid of junk at your leisure try one of our [Eco-Dumpster's](#)

How and when do I pay?

You pay after job completion.. Visa, Master Card, Discover, Amex check and cash are all appropriate payment methods.

Do I have to be on site?

No, we can take payment over the phone.

Do you charge extra for e-waste?

Nope, we want to encourage people to do the right thing. Give us your e-waste and let us dispose of it properly. Charging surcharges for e-waste, let our competitors play that game.

How big is your junk truck?

Our truck bed is 14 feet long by 5 feet high and 8 feet wide. 20 cubic yards in size.

I have a business and need to get rid of junk all the time. Can we work something out?

We offer business packages for those who run businesses that produce junk. Some of these businesses include: estate sale liquidators, real estate professionals, contractors, etc.... We can tailor a junk removal service solution, so you can focus on

your business not junk.

Leave a Reply

Your email address will not be published. Required fields are marked *

Name *

E-mail *

Website

Comment

Post Comment





County of San Mateo - Planning and Building Department

ATTACHMENT D



County of San Mateo

Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122
plngbldg@co.sanmateo.ca.us
www.co.sanmateo.ca.us/planning

May 4, 2007

CERTIFIED MAIL

Lourdes Valencia
3531 Middlefield Road
Menlo Park, CA 94025

Dear Ms. Valencia:

SUBJECT: NOTICE OF CODE VIOLATION
File No. V 2005-00085; APN 054-081-070

As the record owner of the property located at 2397 Spring Street, Redwood City, I am requesting your **immediate attention** to serious violations of the County of San Mateo Ordinance Code, and Zoning Regulations. In response to a complaint, this Department inspected your property in April 2007, and determined that you are in violation of Sections 6270, 6271, 6102.50, 6594, and 1.12.010. Specifically, your tenants are operating Junk General, a junkyard and/or transfer station from what is supposed to be a customer parking area of the grocery store.

Your property is located within a Light Industrial District (M-1). As such, Section 6270 designates the general use of your property as an industrial area intended primarily for the location of manufacturing land uses that do not create more than a moderate impact on the surrounding area and are adequately scaled and set back from adjacent residential land uses.

The County's Zoning Regulations, Section 6102.50 defines a junkyard as premises on which more than two hundred (200) square feet of the area thereof is used for the storage of junk, including scrap metal or other scrap material. Section 6271 specifically enumerates the land uses allowed in a Light Industrial District. Junkyards and/or transfer stations are not listed under this section, and consequently are not allowed on your property.

Pursuant to Sections 6594 and 1.12.010 of the County of San Mateo Ordinance Code, the violation of the Zoning Regulations is unlawful and constitutes a public nuisance. The required corrective action is to **immediately cease operating the junkyard business** at the site.

In addition, the business, Junk General, must be relocated to a different zoning district, where a junkyard would be allowed. Thus, the area must be emptied and returned to customer parking spaces. These corrective actions must be completed **by Monday, June 11, 2007**.

05/04/07

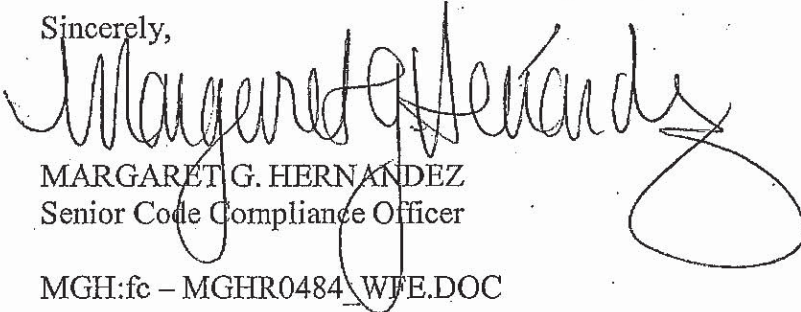
Your failure to correct the violations by June 11, 1007, will result in a citation being issued to you and/or the tenants, for using and maintaining your property contrary to the provisions of the County's Zoning Regulations. The amount of bail for the first citation is approximately \$138.00 and unless the nuisance is abated and all zoning violations corrected: (1) additional citations **will be issued**, requiring mandatory court appearances, (2) a Notice of Continuing Nuisance will be recorded against the property on which the nuisance is found, and (3) summary abatement of the nuisance may be undertaken by the County, at your expense.

Please be advised that violations of the County Ordinances may also be prosecuted through civil and/or criminal procedures; however, we would prefer to work cooperatively with you on this matter and avoid any legal involvement.

Notice is hereby given that your failure to correct this violation by June 11, 2007, will result in you being assessed administrative costs associated with the processing of this violation at an hourly rate as established and adjusted from time to time by the Board of Supervisors. The hourly rate presently in effect is \$50.00 per hour of staff time. At the conclusion of this case, you will receive a summary of administrative costs charged to you. You will have the right to object to these charges by filing a Request for Hearing with the Planning and Building Department within ten (10) calendar days of service of the summary of charges. However, if legal action is implemented against you to obtain compliance, no appeal of the enforcement processing fees will be available.

If you have any questions or concerns about this matter, please do not hesitate to call me at 650/363-4825. I strongly suggest that you call to make an appointment, if you wish to see me in person, as I am frequently out of the office, on site inspections. Your cooperation in correcting these violations will be appreciated.

Sincerely,



MARGARET G. HERNANDEZ
Senior Code Compliance Officer

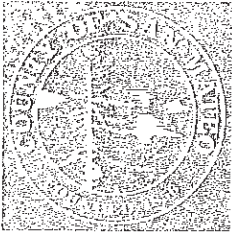
MGH:fc - MGHR0484_WFE.DOC

cc: Junk General, Tenant



County of San Mateo - Planning and Building Department

ATTACHMENT E



County of San Mateo

Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122
plngbldg@co.sanmateo.ca.us
www.co.sanmateo.ca.us/planning

February 13, 2008

HAND DELIVERED

Lourdes Valencia-Jimenez
3531 Middlefield Road
Menlo Park, CA 94025

Omar Valencia (Business Owner)
3531 Middlefield Road
Menlo Park, CA 94025

Dear Ms. Valencia-Jimenez and Mr. Valencia:

SUBJECT: NOTICE OF CODE VIOLATION
File No. V 2005-00085; APN 054-081-070

As the record owners of the property and business located at 2397 Spring Street, Redwood City, I am requesting your **immediate attention** to serious violations of the County of San Mateo Ordinance Code, and Zoning Regulations. In response to several complaints, this Department recently inspected your property, and determined that you are in violation of Sections 6270, 6271, 6102.50, 6594, and 1.12.010. Specifically, operating Junk General, a junkyard and/or transfer station from what is supposed to be a customer parking area of the grocery/liquor store is not allowed.

The property is located within a Light Industrial District (M-1). As such, Section 6270 designates the general use of the property as an industrial area intended primarily for the location of manufacturing land uses that do not create more than a moderate impact on the surrounding area and are adequately scaled and set back from adjacent residential land uses.

The County's Zoning Regulations, Section 6102.50 defines a junkyard as premises on which more than two hundred (200) square feet of the area thereof is used for the storage of junk, including scrap metal or other scrap material. Section 6271 specifically enumerates the land uses allowed in a Light Industrial District. Junkyards and/or transfer stations are **not** listed under this section, and consequently are **not** allowed on your property.

Pursuant to Sections 6594 and 1.12.010 of the County of San Mateo Ordinance Code, the violation of the Zoning Regulations is unlawful and constitutes a public nuisance. The required corrective action is to **immediately cease operating the junkyard business** in the area that is supposed to be used for customer parking.

The business, Junk General.com, **must** be relocated to a different zoning district, where a junkyard would be allowed. Thus, the area must be emptied and returned to customer parking spaces. These corrective actions must be completed by **Monday, March 17, 2008**.

02/13/08

Lourdes Valencia
Omar Valencia

- 2 -

February 13, 2008

Your failure to correct the violations by March 17, 2008, will result in a citation being issued to you for using and maintaining the property contrary to the provisions of the County's Zoning Regulations. The amount of bail for the first citation is approximately \$238.00 and unless the nuisance is abated and all zoning violations corrected: (1) additional citations **will be issued**, requiring mandatory court appearances, (2) a Notice of Continuing Nuisance **will be** recorded against the property on which the nuisance is found, and (3) summary abatement of the nuisance may be undertaken by the County, at your expense.

Please be advised that violations of the County Ordinances may also be prosecuted through civil and/or criminal procedures; however, we would prefer to work cooperatively with you on this matter and avoid any legal involvement.

Notice is hereby given that your failure to correct this violation by March 17, 2008, will result in you being assessed administrative costs associated with the processing of this violation at an hourly rate as established and adjusted from time to time by the Board of Supervisors. The hourly rate presently in effect is \$50.00 per hour of staff time. At the conclusion of this case, you will receive a summary of administrative costs charged to you. You will have the right to object to these charges by filing a Request for Hearing with the Planning and Building Department within ten (10) calendar days of service of the summary of charges. However, if legal action is implemented against you to obtain compliance, no appeal of the enforcement processing fees will be available.

If you have any questions or concerns about this matter, please do not hesitate to call me at 650/363-4825. I strongly suggest that you call to make an appointment, if you wish to see me in person, as I am frequently out of the office, on site inspections. Your cooperation in correcting these violations will be appreciated.

Sincerely,

MARGARET G. HERNANDEZ
Senior Code Compliance Officer

MGH:fc -- MGHS0158_WFE.DOC

02/13/08



County of San Mateo - Planning and Building Department

ATTACHMENT F

VERIFICATION OF SERVICE

[File Number VIO2005-00085]

I, D. JUKICH state:

I am a Deputy Sheriff employed with the San Mateo County Sheriff's Office.

That on 2/22/08, I personally delivered a Notice of Code Violation
(Date)

To: Onir Valencia
(Name)

At: 3531 Middlefield
(Address)

On: 3/22/08 at 0900 AM
(Date) (Time)

I certify that the foregoing is true and correct.

[Signature] 568 3/22/08
Signature (Badge No.) Date 0900 AM

SAN MATEO COUNTY
PLANNING DIVISION

2008 MAR 25 P 1:35

Please return to Code Enforcement Unit, attention of Margaret G. Hernandez, at Pony: PLN122. Thank you.

03/22/08



County of San Mateo - Planning and Building Department

ATTACHMENT G

NOTICE TO APPEAR

Case No.

SHERIFF'S OFFICE
COUNTY OF SAN MATEO

92-165725

1 Date Mo. Day Year Time AM PM Day of Week
04 23 08 8:30 Wed

2 Name (First, Middle, Last) Omar Valencia

3 Address 2397 Spring Street

4 City Redwood City CA 94063

5 Business Address 2397 Spring St, Redwood City

6 Drivers License No. B41817992 State CA DOB Mo. Day Year 06 01 1983

7 Sex M F Hair BIK Eyes BRN Height 56 Weight 200 Race H

8 Vehicle License No. State Reg. MO/YR C.V. (V.C. 15210b) H.M. (V.C. 353)

9 Veh. Yr. Vehicle Make Model Body Type Color(s)

10 Registered Owner of Vehicle or Lessee First, Middle, Last appearance, (2) a Notice of Continuing Nuisance may be recorded

11 Address of owner of property on which the nuisance is found, and address of abatement of the nuisance may be undertaken by the County

12 Evidence of Financial Responsibility Policy No. Insurer Same As Line 5

13 Eligible For Dismissal (V.C. 40610) N6 Booking and Fingerprinting Required

14 Yes No Section Violated Code Description

15 1.12.010 CO Public Nuisance

16 1.12.050 CO Auth. to Cite

17

18

19 Approx. Speed P.F. / Max Speed Veh. Spd. Limit Safe Spd Comments / Conditions Accident Radar

20 Location Of Violation (s) At 2397 Spring Street City of Occurrence ONK

21 Violations not committed in my presence, declared on information and belief. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

22 Date 4/23/08 Arresting or Issuing Officer [Signature] No. 4825

23 Name of arresting officer-if different from above

24 Without admitting guilt, I promise to appear at the time and place indicated below
Signature X [Signature]

25 Before a judge or clerk of the municipal court of San Mateo County at:
 Northern Branch Central Branch Southern Branch

26 Juvenile Traffic Court You will be notified of location & appearance date. Bring One Parent

27 APPEARANCE DATE: 05 27 / YEAR DAY TIME 00 AM PM

Form approved by the Judicial Council of California REV. 1-1-91 V.C. 40500(b), 40513(b), 40522 P.C. 633.9

FILE COPY

SEE REVERSE SIDE

92-165725

Misc. Beat Code

04/23/08



County of San Mateo - Planning and Building Department

ATTACHMENT H

Complaint Form

NOTICE: INCOMPLETE AND UNSIGNED FORMS WILL BE RETURNED TO YOU.
DO NOT SEND ORIGINALS—DOCUMENTS RECEIVED WILL NOT BE COPIED AND/OR RETURNED.
 Please attach COPIES of all pages of contracts (front and back), canceled checks (front and back), invoices, advertisements, business cards, receipts, correspondence, etc.

PLEASE COMPLETE BOTH SIDES OF THIS FORM.

1. YOUR NAME last first middle County of San Mateo Code Compliance Office - Hernandez		2. CONTRACTOR NAME (as shown on contract/invoice) Junk General	
ADDRESS number street 455 County Center, 2nd Floor		ADDRESS number street Valencia Omar	LICENSE NO. USED, IF ANY 321863
city county state ZIP code Redwood City CA 94063		ADDRESS number street 2397 Spring Street	
PHONE WHERE YOU CAN BE REACHED 8 am-5 pm (650) 363 - 4825		city state ZIP code Redwood City CA 94063	
HOME PHONE ()	EMAIL ADDRESS mghernandez@co.sanmateo.ca.us	PHONE (650) 425 - 7004	EMAIL ADDRESS
1b. <input type="checkbox"/> I AUTHORIZE THE FOLLOWING PERSON TO HANDLE THE COMPLAINT ON MY BEHALF: NAME last first middle		WHO PRESENTED THE CONTRACT? <input type="checkbox"/> SALESMAN _____ <input type="checkbox"/> CONTRACTOR _____	
PHONE 8 a.m.-5 p.m. HOME PHONE ()		WHERE WAS THE CONTRACT NEGOTIATED? _____	

PROJECT INFORMATION

3. OWNER OF CONSTRUCTION SITE Hernandez Margaret	4. CONSTRUCTION SITE ADDRESS number street 455 County Center, 2nd Floor
number street city state ZIP 455 County Center, 2nd Floor Redwood City CA 94063	city state ZIP Redwood City CA 94063
PHONE (650) 363 - 4825	PHONE (650) 363 - 4825

5. DESCRIBE BRIEFLY THE SCOPE OF THE WORK FOR WHICH YOU CONTRACTED (I.E. PAINTING, PLUMBING, CONCRETE, PATIO COVER, ROOM ADDITION)
None

6. CONTRACT DATE 02 / 01 / 2008	7. AMOUNT OF CONTRACT 100000	8. AMOUNT PAID ON CONTRACT	9. DATE WORK STARTED	10. DATE WORK CEASED
---	--	----------------------------	----------------------	----------------------

11. LIST YOUR ITEMS OF COMPLAINT (IF MORE ROOM IS NEEDED, PLEASE ATTACH A SHEET OF PAPER)
This individual is using an expired general contractor's license that was issued to a different person, yet he is advertising and operating as though he was a licensed contractor. He is also operating in violation of local zoning laws, as he operating out of an area that is meant to be a customer parking area.

12. REMEDY SOUGHT:

FOR OFFICE USE ONLY

COMPLAINT NUMBER	TYPE CNST	N	O R G	PRTY	DATE RECEIVED			SPECIAL PROJECT	DT STAT EXP			CSR INIT	ASSIGNED TO CSR			ER INIT	ASSIGNED TO ER		
					MO	DA	YR		MO	DA	YR		MO	DA	YR		MO	DA	YR
					0	2	1	3											
LICENSE NUMBER					CLOSURE LETTER		DISPOSITION		DATE CLOSED			STATUS CHANGE						STP	
SECTIONS VIOLATED					C		C		C			C		C		C		C	
					DATE		DATE		DATE			DATE		DATE		DATE			

02/13/08

13. Have you filed in court to recover damages on this complaint? Yes (If so, provide documentation with this form.) No
14. Is this project a: Residence Commercial Building Other
15. Is this project a: Remodel Repair/Replace New Home
16. Was this contract: Written Oral New Home Purchase Agreement
17. Were there any change orders? Yes No If yes, were they: Written Oral Both
18. Is your complaint: Abandonment Workmanship Other
19. Building permit obtained by: Contractor You Do not know
(Provide a copy if available.) Name of building department: _____
21. Did the contractor have employees? Yes If so, how many? _____ No Do not know
Names of employees, if known: _____
22. Were employees, subcontractors, or material companies paid? Yes No Do not know
23. Were any mechanics' liens filed on this job? Yes (Provide a copy if available.) No
If yes, by whom? _____ How much? \$ _____
24. What attempts have you made to contact the contractor? Unable to locate Personal contact Telephone Letter (Provide copies.)
25. Have you notified your contractor in writing of the issue in dispute? Yes (Provide copies.) No
26. Have you obtained an estimate from another contractor to correct and/or complete the project? Yes No
(If yes, provide copies.) Amount \$ _____
27. Have you had the job corrected or completed? Yes No
(If yes, provide copies of the contract and proof of payment.) Amount \$ _____

NOTICE ON COLLECTION OF PERSONAL INFORMATION

Collection and Use of Personal Information. The Department of Consumer Affairs and the Contractors State License Board (CSLB) collects the information requested on this form to follow up on your complaint.

Providing Personal Information is Voluntary. You do not have to provide the personal information requested. If you do not wish to provide personal information, such as your name, home address, or home telephone number, you may remain anonymous. In that case, however, we may not be able to contact you or help you resolve your complaint.

I would like to keep my information confidential.

Access to Your Information. You may review the records maintained by the CSLB that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information. We make every effort to protect the personal information you provide us. In order to follow up

on your complaint, however, we may need to share the information you give us with the business you complained about or with other government agencies. This may include sharing any personal information you gave us.

The information you provide may also be disclosed in the following circumstances:

- In response to a Public Records Act request, as allowed by the Information Practices Act;
- To another government agency as required by state or federal law; or
- In response to a court or administrative order, a subpoena, or a search warrant.

Contact Information. For questions about the Department of Consumer Affairs' privacy policy or the Information Practices Act, contact the Office of Privacy Protection, 400 R Street, Sacramento, CA 95814, or email privacy@dca.ca.gov.

I declare under penalty of perjury that the information contained on this Complaint Form is true and correct to the best of my knowledge, and that this declaration was signed at (city) Redwood City, (state) CA on (date) 02/13/08

I will assist in the investigation or in the prosecution of the contractor or other parties, and will, if necessary, attend hearings and testify to facts.

28. SIGN HERE [Signature] DATE 02/13/08



County of San Mateo - Planning and Building Department

ATTACHMENT I

Department of Public Works



COUNTY OF SAN MATEO

555 COUNTY CENTER, 5TH FLOOR • REDWOOD CITY • CALIFORNIA 94063-1665 • PHONE (650) 363-4100 • FAX (650) 361-8220

BOARD OF SUPERVISORS
MARK CHURCH
RICHARD S. GORDON
JERRY HILL
ROSE JACOBS GIBSON
ADRIENNE TISSIER

JAMES C. PORTER
DIRECTOR

February 28, 2008

CERTIFIED MAIL NO: 7001 0320 0001 7228 1145

Ms. Lourdes Valencia-Jimenez
3531 Middlefield Road
Menlo Park, CA 94025

Dear Ms. Valencia-Jimenez:

Subject: Notice Regarding Non-Permitted Encroachments in the Public Right-of-Way – Kaynyne Street at 2397 Spring Street, Redwood City Area

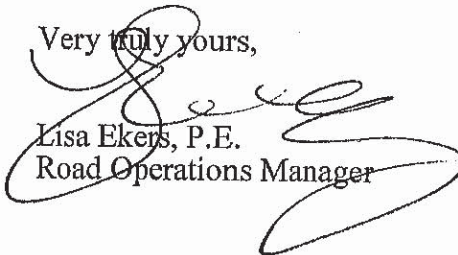
The San Mateo County Code Compliance office has notified this Department that debris boxes have been intermittently placed in the public right-of-way on Kaynyne Street adjacent to your property at 2397 Spring Street. According to Code Compliance, the debris boxes were associated with the operation of Junk General by Mr. Omar Valencia, in violation of the County's zoning regulations. Our records indicate that no encroachment permits have been applied for or obtained for the placement or storage of any objects in the public right of way at that location.

Please take notice that an encroachment permit must be obtained from the Department of Public Works prior to the placement of any objects in the public right of way for any duration. Please be further advised that, pursuant to the applicable provisions of the California Streets and Highways Code, §1480 *et seq.*, should any encroachments be placed in the right-of-way in the future without the necessary permits, the County of San Mateo may remove or cause the removal of such encroachments, and pursue the recovery of all costs associated with the removal of said encroachments including penalties of \$350 for each day any encroachment continues unremoved after the posting or service of notice.

An encroachment permit application form and instructions are enclosed for your use. Please note that encroachments that obstruct traffic or eliminate parking are generally not permitted.

You may contact Mark Marelich, Construction Inspector, at (650) 363-4103, if you have any questions about this notice.

Very truly yours,


Lisa Ekers, P.E.
Road Operations Manager

Enclosure
LE:ev

L:\Roads\Encroachment\Junk General 2397 Spring Street Notice 0208.doc

cc: Joseph A. Lo Coco, P.E., Deputy Director, Road Services Division
Margaret Hernandez, Code Compliance Manager

02/28/08



County of San Mateo - Planning and Building Department

ATTACHMENT J

December 30, 2008

CERTIFIED MAIL

Valencia Lourdes-Jimenez
3531 Middlefield Road
Menlo Park, CA 94025

Omar Valencia (Business Owner)
3531 Middlefield Road
Menlo Park, CA 94025

Dear Ms. Valencia-Jimenez and Mr. Valencia:

SUBJECT: File No. VIO2007-00078; APN No.:054-081-070

This letter is to advise you of the continued serious violations taking place on your property located at 2397 Spring Street, Redwood City. Code Compliance staff has received reports and personally observed activities being conducted in violation of the County's Zoning Regulations, as detailed below.

It has been determined that you are in violation of Sections 6270, 6271, 6102.50, 6119, 6594, and 1.12.010. Specifically your tenants are operating Junk General, a junkyard and/or transfer station from the customer parking area for Brenda's liquor store. The parking lot is being used for: storing/sorting salvaged materials, debris box storage, and the parking of commercial trucks designed to haul junk and move debris boxes.

Your property is located within a Light Industrial District (M-1). As such, section 6270 designates the general use of your property as an industrial area intended primarily for the location of manufacturing land uses that do not create more than a moderate impact on the surrounding area and are adequately scaled and set back from adjacent residential land uses.

The County's Zoning Regulations, Section 6102.50 defines a junkyard as a premise on which more than two hundred (200) square feet of the area thereof is for the storage of junk, including scrap metal, or other material. Section 6271 specifically enumerates the land uses allowed in a Light Industrial District. Junkyards and/or transfer stations are not listed under this section, and consequently are not allowed on your property.

Use of the parking lot located at the rear of Brenda's liquor store for storage and sorting of materials has eliminated the on-site parking required to serve the commercial use on the site and thereby resulted in a violation of Section 6119.

On May 4, 2007 you were sent a certified notice of code violation explaining what the violations are and the steps that must be taken to bring your property back into compliance, you were given until June 11, 2007 to correct these violations. However, when this department conducted follow-up site inspections after the June 11, 2007 deadline, they observed that none of the violations were corrected.

On February 13, 2008 a Notice of Code Violation was hand delivered to Mr. Valencia, advising of the continuing violations occurring on your property. The notice described the corrective

12/30/08

action that needed to be completed by March 17, 2008. However when your property was re-inspected on April 11, 2008, it was found that no attempt has been made to correct the violations. In response to this a citation was issued to you on April 23, 2008. Despite this citation, the illegal activities continue.

Your property was inspected on March 12, 2008 at which time it was determined that no attempt has been made to correct the violations. In order to abate the violations occurring on your property you must remove the salvaged materials, junk/garbage, equipment and debris boxes from the parking lot and public right-of-way, **within thirty (30) days from the date of receipt of this notice.** Additionally you may submit, in writing, either (1) a schedule specifying a reasonable time period within which the violation will be abated, or (2) any information relating to a determination of the existence of a violation or the amount of the fine imposed.

Your failure to take the above corrective measures outlined above will result in an Administrative Fine being issued to you. Administrative Fines are only issued when there is a continuing serious violation occurring on a property. Section 6596.1 defines a serious violation as an illegal use of the property which, for purposes of this ordinance, is a use not allowed in the zoning district where the property is located. A failure by a person to respond to efforts to resolve or abate a violation or failure to make a conscientious effort to do so by not responding to written notice within thirty (30) days and failing to continue a dialogue aimed at abatement will result in an Administrative Fine being imposed.

The Administrative Fine shall be in the amount of One hundred dollars (\$100.00) for the first day, and twenty-five dollars (\$25.00) per day for each calendar day thereafter, that the violation exists on the property after the effective date of the notice of violation through to its abatement; or in the event that the use or structure in violation may be permitted with an appropriate permit, and the owner obtains the required permit, up to a maximum of five times the amount of the standard fee for such a permit.

Lisa Grote, Community Development Director

12/30/08



County of San Mateo - Planning and Building Department

ATTACHMENT K



County of San Mateo

Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122
plngbldg@co.sanmateo.ca.us
www.co.sanmateo.ca.us/planning

NOTICE

ADMINISTRATIVE FINES

December 15, 2009

CERTIFIED MAIL

Valencia Lourdes-Jimenez
3531 Middlefield Road
Menlo Park, CA 94025

Omar Valencia (Business Owner)
3531 Middlefield Road
Menlo Park, CA 94025

Dear Ms. Valencia-Jimenez and Mr. Valencia:

SUBJECT: File No. VIO2007-00078; APN No.:054-081-070

This letter is to advise you of the continued serious violations taking place on your property located at 2397 Spring Street, Redwood City. Code Compliance staff has received reports and personally observed activities being conducted in violation of the County's Zoning Regulations, as detailed below.

It has been determined that you are in violation of Sections 6270, 6271, 6102.50, 6119, 6594, and 1.12.010. Specifically your tenants are operating Junk General, a junkyard and/or transfer station from the customer parking area for Brenda's liquor store. The parking lot is being used for: storing/sorting salvaged materials, debris box storage, and the parking of commercial trucks designed to haul junk and move debris boxes.

Your property is located within a Light Industrial District (M-1). As such, section 6270 designates the general use of your property as an industrial area intended primarily for the location of manufacturing land uses that do not create more than a moderate impact on the surrounding area and are adequately scaled and set back from adjacent residential land uses.

The County's Zoning Regulations, Section 6102.50 defines a junkyard as a premise on which more than two hundred (200) square feet of the area thereof is for the storage of junk, including scrap metal, or other material. Section 6271 specifically enumerates the land uses allowed in a Light Industrial District. Junkyards and/or transfer stations are not listed under this section, and consequently are not allowed on your property.

On February 13, 2008 a Notice of Code Violation was hand delivered to Mr. Valencia, advising of the continuing violations occurring on your property. The notice described the corrective action that needed to be completed by March 17, 2008. However when your property was re-inspected on April 11, 2008, it was found that no attempt has been made to correct the violations. In response to this a citation was issued to you on April 23, 2008. Despite this citation, the illegal activities continue.

Your property was inspected on March 12, 2008 at which time it was determined that no attempt has been made to correct the violations. In order to abate the violations occurring on your property you must remove the salvaged materials, junk/garbage, equipment and debris boxes from the parking lot and public right-of-way, **within thirty (30) days from the date of receipt of this notice**. Additionally you may submit, in writing, either (1) a schedule specifying a reasonable time period within which the violation will be abated, or (2) any information relating to a determination of the existence of a violation or the amount of the fine imposed.

Your failure to take the above corrective measures outlined above will result in an Administrative Fine being issued to you. Administrative Fines are only issued when there is a continuing serious violation occurring on a property. Section 6596.1 defines a serious violation as an illegal use of the property which, for purposes of this ordinance, is a use not allowed in the zoning district where the property is located. A failure by a person to respond to efforts to resolve or abate a violation or failure to make a conscientious effort to do so by not responding to written notice within thirty (30) days and failing to continue a dialogue aimed at abatement will result in an Administrative Fine being imposed.

The Administrative Fine shall be in the amount of One hundred dollars (\$100.00) for the first day, and twenty-five dollars (\$25.00) per day for each calendar day thereafter, that the violation exists on the property after the effective date of the notice of violation through to its abatement; or in the event that the use or structure in violation may be permitted with an appropriate permit, and the owner obtains the required permit, up to a maximum of five times the amount of the standard fee for such a permit.

Lisa Grote, Community Development Director

12/15/09



County of San Mateo - Planning and Building Department

ATTACHMENT L

FILE COPY

Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122
plngbldg@co.sanmateo.ca.us
www.co.sanmateo.ca.us/planning

June 25, 2010

CERTIFIED MAIL

Valencia Lourdes-Jimenez
3531 Middlefield Road
Menlo Park, CA 94025

Omar Valencia (Business Owner)
3531 Middlefield Road
Menlo Park, CA 94025

Dear Ms. Lourdes-Jimenez and Mr. Valencia:

**SUBJECT: NOTICE OF PRELIMINARY DETERMINATION OF VIOLATION
INVOLVING THE ILLEGAL USE OF YOUR PROPERTY AT
2397 SPRING STREET (File No. VIO 2007-00078; APN 054-081-070)**

This notice serves to inform you that the Community Development Director of the Planning and Building Department has determined that the ongoing illegal use of the above-referenced property for storing and sorting junk, debris, and other materials, constitutes a serious violation, and that the owner of the property and/or the person responsible for the violation is subject to daily fines for each day that the violation continues to exist.

As described by the previous Violation Notices provided to you on May 4, 2007 and February 13, 2008, the storage and sorting of junk, debris, and other materials is not allowed in the Light Industrial (M-1) Zoning District that the subject property is located within. In addition to being unpermitted, the use of the property for these purposes has reduced the on-site parking required to serve the existing commercial establishment on the property, in violation of Section 6119 of the Zoning Regulations. As a result, a Citation was issued to you on April 23, 2008. Despite this Citation, the illegal activities continue.

This notice, therefore, establishes a thirty (30) day period from the date you receive this notice to submit, in writing, either (1) a schedule specifying a reasonable time period within which the violation will be abated, or (2) any information relating to a determination of the existence of a violation or the amount of the fine to be imposed. Failure to provide this information within the thirty (30) day period will result in a fine of one hundred dollars (\$100.00) for the first day following the date of this notice, and twenty-five dollars (\$25.00) per day for each calendar day

Valencia Lourdes-Jimenez
Omar Valencia
June 25, 2010
Page 2

Please also be aware that the storage of materials, debris boxes, or commercial vehicles on County streets or within the public right-of-way is not allowed without an Encroachment Permit issued by the County Department of Public Works and is subject to citation/removal.

If you have questions regarding this notice, please contact Troy Smith, the Department's Senior Code Compliance Officer, at 650/363-4825.

Sincerely,



Jim Eggemeyer
Community Development Director

JE/SAM:cdn - SAMU0460_WCN.DOC

cc: Diana Shu, San Mateo County Department of Public Works
Lieutenant Schumaker, San Mateo County Sheriff's Department

06/25/10



County of San Mateo - Planning and Building Department

ATTACHMENT M

CHAPTER 31.5. ADMINISTRATIVE FINES

SECTION 6596.0. PURPOSE. It is the purpose of this Chapter to provide for the uniform administration of per diem fines for serious violations of the Planning, Building, and Sanitation and Health codes of San Mateo County. The intent of this Chapter is to obtain compliance with the codes through application of the minimum enforcement action necessary to correct serious violations. The application of this Chapter shall be preceded by attempts to obtain compliance through other available methods.

SECTION 6596.1. DEFINITIONS. For the purposes of this Chapter, certain terms used herein are defined as follows:

- (a) **Director.** "Director" shall include the Planning Director or Environmental Health Director or their designees.
- (b) **Persons.** "Person(s)" includes, but is not limited to, licensed or unlicensed contractors and subcontractors, owners of property, agents of the property owners, occupants or tenants of the property.
- (c) **Serious Violation.** A "serious" violation is defined as any of the following:
 - (1) A serious threat to the public health or safety of the occupants at the subject property or occupants at property in the immediate vicinity.
 - (2) An illegal use of the property which, for purposes of this ordinance, is a use not allowed in the zoning district where the property is located.
 - (3) A failure by a person(s) to respond to efforts to resolve or abate a violation or failure to make a conscientious effort to do so by not responding to written notice within 60 days and failing to continue a dialogue aimed at abatement.
 - (4) A history of violations on the subject property and/or several different properties.
 - (5) Multiple or repeat violations on the subject property within the past three (3) years.
 - (6) Commencement of work by licensed or unlicensed contractor on the subject property without a current and valid permit or other authorization issued by the County of San Mateo.

SECTION 6596.2. ADMINISTRATIVE FINES IN ADDITION TO OTHER REMEDIES; AUTHORITY. In addition to any other remedy allowed by law, any violation of the

provisions of Division VI (Planning), Division VII (Building Regulations) or Division IV (Sanitation and Health) of this Code shall be subject to the payment of an administrative fine as set forth in this article. The authority for the imposition of administrative fines is found in Government Code Section 53069.4.

SECTION 6596.3. AMOUNT OF FINES. Any person who violates any provision of Division VI (Planning), Division VII (Building Regulations) or Division IV (Sanitation and Health) of this Code, such that a serious violation, as defined in Section 6596.1(c), exists on the subject property, or who is the owner of property upon which such a serious violation exists, shall be subject to payment of an administrative fine in the maximum amounts as set forth below.

SECTION 6596.4. PROCEDURES.

- (a) Upon determining that a serious violation of Division VI (Planning), Division VII (Building Regulations) or Division IV (Sanitation and Health) exists with respect to any property, the Director shall mail to the owner and occupant of such property and any other persons believed to have caused the violation in whole or in part, by certified mail or personal service by a peace officer, a Notice of Preliminary Determination of Violation, specifying with particularity the violations on the property, the basis for determining that a serious violation exists pursuant to Section 6596.1(c) of this Chapter, and the proposed administrative fine for such violation determined in accordance with Section 6596.5 or 6596.6, as appropriate. The notice shall provide a thirty (30) day period, from the date of receipt of the notice, for the owner, occupant or other person to submit, in writing, either (1) a schedule specifying a reasonable time period within which the violation will be abated, or (2) any information relating to a determination of the existence of a violation or the amount of the fine to be imposed.
- (b) If the owner, occupant or other person fails to respond to the notice within the thirty (30) day period specified in subsection (a) above, the Director shall impose an administrative fine as specified in Section 6596.5 or Section 6596.6, as appropriate.
- (c) If the owner, occupant or other person provides a schedule for abatement within the thirty (30) day period specified in subsection (a), the Director shall determine whether the schedule is reasonable. If the Director determines that the submitted schedule is reasonable, he or she shall so notify the owner, occupant or other person. If the Director determines that the submitted schedule is unreasonably long, the Director shall specify a new schedule and notify the owner, occupant or other person of the requirement to comply with the new schedule. The imposition of administrative fines shall be stayed during such period as the owner, occupant or other person pursues correction of the violation in good faith and according to the required schedule.

- (d) If the owner, occupant or other person provides information relating to a determination of the existence of the violation or the amount of the fine to be imposed, the Director shall consider such information, and shall make a final determination as to whether a violation exists and, if so, the amount of the fine to be imposed. The Director shall notify the owner, occupant or other person of his or her findings, and provide the applicant thirty (30) days, from receipt of the notice, within which to submit a schedule for abatement of the violation in accordance with the procedure set forth in subsection (c) above. If the owner, occupant or other person fails to respond to the notice by providing the required schedule within thirty (30) days of the notice, the Director shall impose an administrative fine as specified in Section 6596.5 or Section 6596.6, as appropriate.
- (e) If at any time the Director determines that the owner, occupant or other person is not pursuing correction of the violation in good faith, the Director may impose an administrative fine as specified in Section 6596.5 or Section 6596.6, as appropriate.
- (f) In implementing the procedures set forth in the section, the Director shall have the discretion to extend any time period for correction of the violation if, in his or her opinion, good faith efforts are being made to correct the violation.
- (g) The notice of violation prescribed in this section may be combined with any other notice of violation authorized to be issued by this Code.

SECTION 6596.5. AMOUNT OF FINE - INFRACTION. If the violation is designated an infraction by this Code, the administrative fine shall be the maximum fine or penalty amounts for infractions set forth in subdivision (b) of Government Code Section 25132, which fine may be imposed if the violation is not abated by the effective date of the notice of violation.

SECTION 6596.6. AMOUNT OF FINE - OTHER. If the violation is not designated an infraction by this Code, the maximum administrative fine shall be in the amounts set forth below:

- (a) If the violation arises from an unlawful commercial, industrial, rental (residential or non-residential), owner-occupied residential or similar use or structure on the property, the maximum fine shall be calculated by one of the following methods as determined by the Director:
 - (1) The fair market rental value of the land or structure in violation for the period of time elapsed from the effective date of the notice of violation; or
 - (2) One hundred dollars (\$100.00) for the first day, and twenty-five dollars (\$25.00) per day for each calendar day thereafter, that the violation exists

its abatement by whatever means; or

- (3) In the event that the use or structure in violation may be permitted with an appropriate permit, and the person obtains the required permit, up to a maximum of five times the amount of the standard fee for such permit.
- (b) For any other violation, including but not limited to an unlawful non-commercial junkyard, an unlawful non-commercial truck terminal, an unlawful non-operative vehicle storage yard, unlawful accessory structure or an unlawful excess number of animals, the maximum fine shall be calculated by one of the following methods as determined by the Director:
- (1) One hundred dollars (\$100.00) for the first day, and twenty-five dollars (\$25.00) per day for each calendar day thereafter, that the violation exists on the property after the effective date of the notice of violation through to its abatement; or
 - (2) In the event that the use or structure in violation may be permitted with an appropriate permit, and the owner obtains the required permit, up to a maximum of five times the amount of the standard fee for such permit.

SECTION 6596.7. DETERMINATION OF FINES; NOTICE OF DETERMINATION OF FINES. The determination of fines shall be made in the first instance by the Director. Such determination shall take into account the facts and circumstances of the violation including but not limited to the length of time the violation has existed; the culpability of the person(s) in violation or the willfulness of the violation; attempts, if any, to comply with the applicable ordinances; the time necessary to abate the violation; and any other information relevant to a determination of fines to be imposed. In making a determination of the fines to be imposed, the Director shall consider any information submitted by the person(s). In the event that the Director determines that the violation was not caused by or with the knowledge of the person(s) who caused the violation, the fine will be eliminated. In the event the Director determines that the correction of the violation is not feasible, and the violation does not present a threat to public health or safety, the Director shall eliminate the fine. The determination of fines shall be made, and a Notice of Determination of Fines shall be sent by certified mail or personal service by a peace officer to the person(s) upon which the fine has been imposed.

SECTION 6596.8. APPEAL. Any person upon whom an administrative fine is imposed by the Director may appeal such fine to the Planning Commission, in the case of violations of Division VI, or the Board of Building Permit Appeals in the case of violations of Division IV or VII. The appeal must be filed within thirty (30) working days of the date of mailing of the Notice of Determination of Fines. In reviewing the fine, the Planning Commission or the Board of Building Permit Appeals, as appropriate, shall consider the factors set forth in Section 6596.6, above, and shall uphold the fine imposed by the

Director, eliminate the fine, or modify the fine. Additionally, any person who disagrees with a time schedule established by the Director pursuant to Section 6596.4(c) may appeal such determination to the Planning Commission or Board of Building Permit Appeals within ten (10) days of the receipt of notice of the schedule from the Director. The action of the Planning Commission or the Board of Building Permit Appeals shall be final, subject only to judicial review.

(Chapter 31.5 - Added by Ordinance No. 3810 - Effective in Non-Coastal Areas
December 16, 1997. Effective in Coastal Areas July 18, 1998)

JKE:fc - JKE1210.6FR
(7/15/99)



County of San Mateo - Planning and Building Department

ATTACHMENT N

VERIFICATION OF SERVICE

[File Number VIO2007-00078]

I, ANTONIO VILLACOROS state:

I am a Deputy Sheriff employed with the San Mateo County Sheriff's Department.


That on 9/26/10, I personally delivered a Notice of Code Violation
(Date)

To LOURDES VALENZUELA
(Name)

At 3531 MIDWAYFIELD ROAD,
(Address)

On 9/26/10 at 0840
(Date) (Time)

I certify that the foregoing is true and correct.

 821 9/26/10
Signature (Badge No.) Date

Please return to Code Enforcement Unit,
Attention of Michael Crivello, at
Pony: PLN122.
Thank you.

09/26/10



County of San Mateo - Planning and Building Department

ATTACHMENT O

From: "Kathy Soulard" <soulardmk@yahoo.com>
To: <rosejg@co.sanmateo.ca.us>
Date: 1/25/2008 2:38 PM
Subject: Redwood Village/Kaynyne Street Co.of San Mateo
Attachments: IMG_0342.jpg; IMG_0343.jpg; IMG_0344.jpg; IMG_0345.jpg; IMG_0346.jpg; IMG_0347.jpg; IMG_0348.jpg; IMG_0387.jpg

CC: <rgordon@co.sanmateo.ca.us>, <jhill@co.sanmateo.ca.us>, <atissier@co.sanmateo.ca.us>
Hello,

My name is Mark Soulard and I live at 535 Flynn Ave,Redwood Village,Redwood City,Ca.

I've been meaning to write for some time about my concerns about Kaynyne Street,on the County side of Spring Street.

We in Redwood Village are very much affected by what has been going on in this county unincorporated area. When businesses are allowed to take over the streets, it impacts my neighborhood.I have attached a number of files (some to large) to give you a idea of what we have to live with.Most of the pictures are taken on Sundays, so there is very little activity.

Starting at Spring Street we have Brenda's Liquor Store: the owners of which also own the Junk General lot and business. The impacts of this Liquor store are hard of the neighborhood, people drinking in public near and around vehicles, the garbage and broken bottle that end up on our neighborhood streets, vehicles parking in the cross-walk in front of the store, and most recently the periodic selling of furniture and beds in front of the store.

On Kaynyne Street we have The Junk General : As I said in the previous paragraph, I think this business is owned by the same people who own Brenda's.As you can see from the attachments, they have a storage yard that is mis-managed to the point that they cannot park their vehicles off the street. I also have a concern that this junk yard is not only unsightly but also a breeding source for mosquitoes, in the coming months. There has also been a trailer, with solvents and paint cans, parked in front of their business for at least three months. Do we need a chemical spill to result from this trailer? Their garbage bin is always on the street, taking up valuable street space.There is often a great deal of overflow garbage from both the Liquor Store and the Junk General. There has also been a large white truck, parked across the street, that has not moved it six months.

830 299-0955

And then we have Striker's Body Shop : Here we have a business that has definitely outgrown their space. As you see from the attachments, Kaynyne Street looks pretty clean on Sundays. But if you go by after 6:00am any weekday morning, Strikers empties their building, to the point where there is very little room for anyone else to park. This forces people to park on the sidewalks, block driveways, double park, and their employees and customers to park in our neighborhood. I have even seen Striker project cars in our neighborhood. I don't understand how any of the other businesses operate on this street.

When you park 20 to 30 project cars on the street, where are their employees suppose to park during day.

What we see in Redwood Village is employee vehicles from most of the businesses from the Counties (unincorporated) area. We see garbage and broken glass from Brenda's and The Junk General. I'm afraid these people have never learned how to live in a civilized community or maybe they don't see Redwood Village as a Community.

Please don't let us become another North Fair Oaks,

Mark Soulard (30 year resident of Flynn Ave.)

01/25/08



County of San Mateo - Planning and Building Department

ATTACHMENT P



IMG_0021.jpg



IMG_0022.jpg



IMG_0023.jpg



IMG_0024.jpg

San Mateo County Planning Commission Meeting

9:10 AM

Owner/Applicant: LOURDES/OMAR VALENCIA

Attachment: P

File Numbers: VIO2007-00078



San Mateo County Planning Commission Meeting

Owner/Applicant: LOURDES/OMAR VALENCIA

Attachment: P

File Numbers: VIO2007-00078